

**ENTERED**

October 22, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

VICTOR H CANALES,

Plaintiff,

VS.

H AYALA, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:17-CV-154


**ORDER**

On September 24, 2018, United States Magistrate Judge Song Quiroga issued a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1) recommending that Defendant's Motion to Dismiss (Dkt. No. 35) be **GRANTED** and that this action be **DISMISSED WITHOUT PREJUDICE**. (Dkt. No. 47). Plaintiff has since filed objections to the Report and Recommendation, arguing that the case should not be dismissed. (Dkt. Nos. 49, 50).

The Court conducts a de novo review of Plaintiff's objections and applies a plain-error standard of review for the rest of the proposed findings and recommendations. Having considered the entire record, as well as arguments advanced by the parties, the Court **OVERRULES** Plaintiff's objections and hereby **ADOPTS** the Report and Recommendation (Dkt. No. 47) as the findings and opinion of the Court. Accordingly, Defendant's Motion to Dismiss (Dkt. No. 35) is **GRANTED**, and this civil action is **DISMISSED WITHOUT PREJUDICE**.

It is so **ORDERED**.

**SIGNED** October 22, 2018.

  
Marina Garcia Marmolejo  
United States District Judge